

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of Columbia

Civil Division

Darlene Bennett

Case 1

Case: 1:18-cv-03143 (I Deck)

Assigned To : Unassigned

Assign. Date : 12/31/2018

Description: FOIA/Privacy Act

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

U.S. Department of Commerce

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Darlene Bennett
Street Address	4414 Reamy Drive
City and County	Suitland, Prince George's County
State and Zip Code	Maryland 20746
Telephone Number	240-671-8922
E-mail Address	bennettd34@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	U.S. Department of Commerce/Wilbur Ross
Job or Title <i>(if known)</i>	Secretary of Commerce
Street Address	1401 Constitution Avenue
City and County	Washington
State and Zip Code	District of Columbia
Telephone Number	unknown
E-mail Address <i>(if known)</i>	unknown

Defendant No. 2

Name	U.S. Dept of Justice
Job or Title <i>(if known)</i>	Attorney General
Street Address	950 Pennsylvania Avenue, NW
City and County	Washington, DC
State and Zip Code	Washington DC 20530
Telephone Number	unknown
E-mail Address <i>(if known)</i>	unknown

Defendant No. 3

Name	U.S. Attorney
Job or Title <i>(if known)</i>	c/o Civil Process clerk
Street Address	555 4th Street, NW
City and County	Washington, DC
State and Zip Code	District of Columbia 20530
Telephone Number	unknown
E-mail Address <i>(if known)</i>	unknown

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.
Under 28 U.S.C. § 1331 and 5 U.S.C § 552

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

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b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

III. STATEMENT OF CLAIMS

Submitted FOIA request 11/08/2018. FOIA completion date 12/10/2018. Agency has missed its deadline, has not requested an extension, has left the case open with no decision preventing requester from filing an appeal. Requester has repeatedly contacted the assigned office for information on status of FOIA request in good faith in trying to resolve any issues. Requester was repeatedly told erroneous information regarding the status of the FOIA. The Agency assigned the FOIA to the office to which some of the information is in direct relation to its Director, Mack Cato. When the requester was made aware of the assigned office, the requester contacted the assigned and inquired on conflict of interest. *(See attached email communication.)* The information being requested is directly related to the requester's discrimination case that is currently with the U.S. District Court of the District of Columbia case#: 1:18-cv-02098. The involved offices in the investigation are the Inspector's General office, the requester's leadership and the NOAA Audits office. The listed offices was suppose to conduct an investigation to which NOAA assigned the leadership to investigate itself and to prepare a report to which the report goes nowhere. The requester's 4th line supervisor prepared a report and from there it went nowhere. The requester requested a copy of the report to which the requester was informed that she had to place a FOIA . The requester submitted a FOIA request and no information has been released. The requester is requesting this information for public information, transparency, accountability, and integrity in the government and the fidelity to the rule of law. As of today (12/31/2018), the agency has not released any documents or provided a reason for not providing the documents. Per the email chain between requester and assigned office, the assigned office stated that they had received the documents and was simply waiting on a signature which is not true. The young lady who needed to signed was new to her position and just needed clarification on her role. The assigned office continued to provide erroneous information.

JURISDICTION OF VENUE

The Court has jurisdiction over this action pursuant to 5.U.S.C. § 552 and 28 U.S.C §1331.

The venue is proper in this this district pursuant to 28 U.S.C § 1391(e).

PARTIES

The Plaintiff is an employee of the U.S. Department of Commerce, NOAA Bureau. Plaintiff seeks to to promote transparency, accountability, and integrity in the government and fidelity to the rule of law.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

12/30/18

Signature of Plaintiff

Printed Name of Plaintiff

Darlene Bennett
Darlene Bennett**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____